

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAGAZINE PUBLISHERS SERVICE, INC., No. C 11-5412 SI

Plaintiff,

v.

MARK WALTERS,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE**

On March 27, 2012, this case was reassigned to the undersigned judge. On March 26, 2012, Magistrate Judge James issued a Report and Recommendation recommending that the Court dismiss this case pursuant to Federal Rule of Civil Procedure 41(b) based on plaintiff's failure to prosecute this case and failure to comply with the Court's deadlines and orders. No party has filed a response to the Report and Recommendation.

This Court has reviewed the Report and Recommendation, and the files and records in this case. This Court, like Judge James, finds that dismissal is appropriate for failure to prosecute and failure to comply with the Court's deadlines and orders. Accordingly, the Court hereby ADOPTS the Report and Recommendation and DISMISSES this case without prejudice for failure to prosecute. *See Fed. R. Civ. Proc. 41(b).*

IT IS SO ORDERED.

Dated: April 24, 2012



SUSAN ILLSTON
United States District Judge